

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

VIVIAN SIMON, et al.,	)	3:04-CV-0472-ECR (VPC)
	)	
Plaintiff,	)	<b><u>MINUTES OF THE COURT</u></b>
	)	
vs.	)	February 20, 2009
	)	
LEN MANN,	)	
	)	
Defendant.	)	
_____	)	

PRESENT: THE HONORABLE VALERIE P. COOKE, U.S. MAGISTRATE JUDGE

DEPUTY CLERK: LISA MANN REPORTER: NONE APPEARING

COUNSEL FOR PETITIONER(S): NONE APPEARING

COUNSEL FOR RESPONDENT(S): NONE APPEARING

**MINUTE ORDER IN CHAMBERS:**

The court has reviewed defendant's status report re plaintiffs' non-compliance with order #298 (#299) and defendant's request for dismissal of case pursuant to order #298 (#300).

The court finds that Mr. Republicano and plaintiffs cannot produce documents which they do not have in their possession and/or documents which do not exist. The failure to produce these documents will undoubtedly have an effect on the evidence proffered at trial in this case. To the extent that Mr. Republicano is able to complete the list of names, addresses, and phone numbers of the persons who employed him in each of the cases listed in his Exhibit 13, he shall produce it to Mr. Smith on or before **February 23, 2009**.

The deposition of Mr. Republicano shall proceed on **February 23, 2009** as scheduled. The court **DENIES** defendant's request for a report and recommendation for dismissal (#300).

**IT IS SO ORDERED.**

LANCE S. WILSON, CLERK

By: \_\_\_\_\_ /s/  
Deputy Clerk